

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 13, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk; Camp & Cook tardy.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

JOHNSON Having been appointed to read the minutes of the City Council proceedings of March 6, 2000, reported having done so, found same correct.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely: Chet McPherson's been employed by the Lincoln Area Agency on Aging Div. of the Mayor's Office since August of 1986. Chet is a licensed insurance agent & uses his previous private sector experience to provide Medicare & insurance advice to older citizens. Chet was nominated by the Mayor's Award of Excellence by his supervisor & the entire staff of the Lincoln Information For Elderly Program. A portion of the memorandum attached to Chet's nomination reads: public & private insurance is very confusing for older adults, & I might add for just about anybody, and they often are unsure when they're receiving advice from people selling insurance products. Chet is not selling anything to them so they feel they can trust the information he provides. This information is often the result of Chet's personal research frequently completed on his own personal time. Chet also puts the client first. Consequently, they tell their friends how helpful he is which results in many referrals by word of mouth. We feel the LIFE Program reaches older people who might never otherwise know about our office because of his work. A letter received from an insurance company stated, "The service Mr. McPherson provides is very much appreciated. So often, your name has come up as the "expert" in long-term care insurance policies. Now I know why." Chet is honored today for the value of his contributions to the community & the City of Lincoln & I'm proud to present him with the Mayor's Award of Excellence for Jan., 2000. Congratulations!

Chet McPherson: I'd like to make one comment. I've been fortunate enough to get quite a few awards in my lifetime. And I want to assure you, the City, thanks to you, & the people I work with as well as for, this is going to mean as much as any of them because this is by the people who I work for & the people I work with. And these people right here are the people are backing me in what I do. Thank you.

Delayne Peck, Aging: I would like to say that Chet's work has touched hundred of older people if not thousands through the years & we're extremely proud of the impact that he's had on our community. He is part of the financial well-being of older people in Lincoln & the surrounding area. And whenever he's asked to give of himself, he does so freely. And we're so proud to serve with him. Thank you, Chet.

Mayor Wesely: The next award winner we'd like to recognize today is Patrick Howell. As you can see, Patrick is a Police Officer with the Southeast Team. He was nominated for the Mayor's Award of Excellence by his supervisor, Sgt. Mike Bassett. Sgt. Bassett writes, "During the month of December, the Lincoln Police Dept. commits extra personnel strength, hours, & focus to the detection of beverages & drugs. Third shift officers are engaged in this effort to get these drivers off the roads to prevent accidents & to keep the holidays safe for all to travel. Officer Pat Howell made 18 DWI arrests for the month & completed his normal duties which included approx. 80 calls for service & their follow-up. Officer Howell is a tireless worker who's an example to all his fellow officers as

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one who rises to the demands of his profession & gives that extra service to the community. As a result of his diligence & hard work, Officer Pat Howell receives the February Mayor's Award of Excellence in the area of Productivity. Please help me in congratulating Officer Howell in this achievement.

Sgt. Mike Bassett, LPD: It's been very much of a privilege to work with Pat. He is a tireless worker. He just is a shiny example for all our young officers on third shift of trying to keep our streets safe for persons out there during the nighttime & I know I speak for the rest of the department in knowing that we feel very good in being able to work with Pat & having him out there helping the community, especially during these tough times.

Pat Howell, LPD: I would just express my thanks. I'm sure there's a lot of other people that would be well deserving of the award. I'm appreciative that I got nominated & won the award. I appreciate it. Thanks.

Mayor Wesely: Thank you to Mr. McPherson & thank you to Officer Howell for their excellent work on behalf of the City of Lincoln.

PUBLIC HEARING

APP. OF DEMETRIOS & KIMBE MEARES DBA YIA YIA'S PIZZA CLUB 1427 TO DELETE AN AREA APPROX. 25' BY 150' TO THE WEST FROM ITS PRESENTLY LICENSED PREMISES AT 1423-27 "O" ST. - Kimbe Meares, no address given, applicant, took oath: If you have any questions, we sold our pizza business. So, now, we're just doing our nightclub & we've enjoyed doing business in Lincoln but we're kind of trying to do something else now.

This matter was taken under advisement.

APPROVING THE TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF ~~\$6,600,000~~ \$5,300,000 WITHIN THE WASTEWATER CONSTRUCTION FUND FROM CAPITAL IMPROVEMENT PROJECTS THERESA STREET PLANT TREATMENT EXPANSION & NORTHEAST TREATMENT PLANT EXPANSION TO SALT VALLEY RELIEF SEWER IMPROVEMENTS TO COMPLETE THE SALT VALLEY RELIEF SEWER IMPROVEMENTS PROJECT AS ONE TOTAL PROJECT - CLERK requested a motion to accept a substitute ordinance.

Jon Camp, Council Member: So moved.

Jonathan Cook, Council Member: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

AMENDING CHAPTER 12.08 OF THE LMC TO PROVIDE THAT THE DIRECTOR OF PARKS & RECREATION MAY AUTHORIZE A TEMPORARY EXTENSION OF PARK HOURS; ALLOWING THE OPERATION OF VEHICLES DURING PUBLIC GATHERINGS IN PARKS; TO PROVIDE THAT THE DIRECTOR OF PARKS & RECREATION MAY AUTHORIZE COMMERCIAL ACTIVITY WITHIN A PARK; TO GRANT A LICENSE FOR THE USE OF PINWOOD BOWL OR ANY ATHLETIC FIELD, SWIMMING POOL OR SIMILAR RECREATIONAL FACILITY; AMENDING THE INSURANCE AMOUNT REQUIREMENTS FOR SUCH LICENSES; & TO PROVIDE THAT THE DIRECTOR OF PARKS & RECREATION MAY GRANT CONCESSIONS UPON PARK PROPERTY - Jim Morgan, Parks & Rec. Director: From your summary of the ordinance proposed changes that are today, you see there are five issues that need to be reviewed. And I'd like to spend just a few minutes going over those. The first one is Chapter 12.08.070 & it deals with our midnight closing time in parks. This ordinance has served our City well for a long period of time but it's really not being followed in its current form & I think the time has come to officially make the changes that need to be made. Technically, right now, if you wish to hold an overnight at the Folsom's Children Zoo or at Pioneers Park Nature Center or we have one coming up this month dealing with the Fencing Club staying at Calvert Recreation Center, it requires several things. First is approval of the Park & Rec. Advisory Board & then we have to go through the formal executive order process of the Mayor. Most of the time, that's relatively easy to do, we know when these events are coming but it's a very cumbersome process. The one that really is cumbersome is when I get the phone call at midnight & we are running a State Games event here or some other softball tournament or teams from out-of-town & they've been rained out on Saturday morning & they wish to play until 2 o'clock as opposed to midnight. And it's very difficult to get the Park Board members to come out & it's very difficult to alert the Mayor & the Park Board has allowed

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me in the past & the Mayor's have allowed me in the past to make certain restrictions, turn off the P.A. System & other things, I notify the Police Dept. & those games continue. Technically those are not in accordance with the ordinance the way it's written. The second ordinance change I believe is necessary is 12.08.150, was written in 1954, has not been modified since then. What that ordinance basically says is if we are hosting a concert in Antelope Park & it happens from Memorial Day to Labor Day from Thursday through Sunday nights, you technically cannot drive your vehicle through that park. And it says that right in the ordinance. You cannot operate, drive, propel, any motor vehicle in the park during the course of that performance. If you are at the performance & need to go home early, I think you have to push your car out of the park. So, we are just asking that that ordinance be stricken. There are plenty of ordinances on the books in Lincoln if someone comes through with a loud boombox system that's disruptive, or a motorcycle with no muffler or something like that, we have the tools necessary, Lincoln Police Dept. does, to enforce civil behavior. 12.08.230 - Selling & Peddling: Right now the current process requires 7 signatures & it may be good to protect the public interest but let me tell you about what most of those selling & peddling issues are. The Northeast Girls Softball Team is hosting a tournament at Mahoney Park & they want to sell T-shirts, the current ordinance requires that they have all these licenses & things & that the City receive 2% of gross. However, that 2% of gross after weekend tournament sells might only be \$16 & we have gone through a process of 7 signatures to do that. And the unfortunate part is not everyone that uses City parks is as organized as we believe they should be. And there are many Friday afternoons where I'm calling around & hand-delivering Executive Orders to get them signed to allow them to sell & for us to get our sixteen dollars. It's just very cumbersome. I don't intend to go into any business that sells alcohol or anything like that but many of these small groups just don't understand the bureaucracy that's involved with the current ordinance structure. 12.08.310 - License for the Use of Park Property, there are many groups that use park facilities for different events such as dances. Auld Pavillion is a good example. They currently are required to pay a percentage of their gross at the door but I can't tell you how many times on a Friday night or a Saturday night that I get a phone call from a Staff Member because nothing in any of the rental agreements, even though it's spelled out very clearly, have they indicated that they are charging admission & all of a sudden this is a ticketed event & there is no easy way to get around that other than calling the Mayor & going through this process. So, we would like the authority for those type of events to make that kind of a change. Concessions, 12.08.320, & I understand there've been phone calls to the City Council thinking that this is an end run on the part of the Parks Dept. to somehow bring alcohol into the park system. It's absolutely not the case. There is nothing in this ordinance that would allow me ever to allow someone to sell alcohol. That is prohibited by other ordinances within the Parks & Rec. Dept. in the City of Lincoln. But here's what it does do. If you are a parents group sponsoring a booster club for one of our neighborhood swim teams whether it's at Eden pool or Irving Pool or any one of those locations & you decide that you're going to sell coffee & baked goods on Saturday morning because your swim meet starts at 7 a.m., you need to go through an entire license process requiring the Mayor's signature. And that is a very burdensome process for the small amount of money that comes in. We believe that we have the flexibility & the good judgment to handle those kinds of requests without the 7 signatures that are currently required. And right now, it has to go to the Law Dept., Finance Dept., one of the Mayoral Aides & finally to the Mayor plus the two signatures & a witness signature on the part of the applicant. That's overkill for the types of things that we're talking about doing. We're not talking about golf pro contracts in this one. We're not talking about annual long-term concession contracts. We are talking about those small types of activities that occur on a very regular basis & the current process is not only burdensome to staff but very burdensome to the public whom we try to serve. I'll take any questions you have.

Mr. Cook: Since we're eliminating the section on operation of vehicles, which is clearly archaic, can you, as the Director of Parks, close off roads within a park if whatever type of gathering there would require it?

Mr. Morgan: Yes, I have the authority for several things. Maintenance, public safety, which would probably be that scenario, or to close the park to preserve the park. Say we've had a flood & we don't want people in an area, I have the ability to do that under current ordinance.

Mr. Cook: Or just even the roads in the parks.

Mr. Morgan: Yes.

Mr. Cook: Any part of it?

Mr. Morgan: Yes.

Mr. Cook: And the other thing is just a little correction, I think, on something that might've been missed. On page 6, line 1, if you go back to the previous page to get the beginning of the sentence, we're changing it from Mayor to Director under concessions but then that sentence starting on line 22 of page 5, such concessions shall be granted upon such terms & conditions as may be deemed by the Mayor to be in the best interest of the City. Should that say Mayor or should that say Director?

Mr. Morgan: I think Mayor is probably okay. Director would probably be easier except that we have standard procedures that dictate 2% for non-profit groups, 12% for-profit groups if we allowed a popcorn vendor in a park. And so those are established by the Mayor & I just have the authority to go with them at that point without having to go back for the signature.

Mr. Cook: Okay.

Jerry Shoecraft, Council Member: Could you define again, commercial activity within a park.

Mr. Morgan: Commercial activity in a park is a very broad definition. It would prohibit someone from bringing a snack table in & selling sunglasses in a park. It would eliminate someone from driving a popcorn wagon into a park & selling popcorn. It would eliminate someone selling blue jeans in a park. It sometimes is a problem because it prohibits things like art shows in a park if there's sale of art work without a license. We go through the license process for those kinds of events. It's a very good ordinance, the way it's written. If you've been to Washington D.C. or other cities where you're trying to enjoy yourself outside & you're constantly being barraged by somebody selling some trinket. We can eliminate that but still have a process that allows us for large events like Earth Day coming up to hire a food vendor to come into the park & sell pizza or pop or something of that nature. So, it's well written but it does eliminate some of the things that people would like to do in our parks but I'm not sure are appropriate in our parks.

Mr. Shoecraft: Not necessarily does it eliminate them, it just says that the Director of Parks & Rec. may authorize it though.

Mr. Morgan: And I typically do not.

Mr. Shoecraft: Okay, & then again, if buying grant concessions, the word "concessions" bothers me.

Mr. Morgan: Concessions typically are food & beverage type operations. It could be...

Mr. Shoecraft: There's no loopholes in this?

Mr. Morgan: It could be, if you wanted to, open a bicycle rental operation. That would be considered a concession 'cause you're providing a service to the public. If you wanted to rent canoes at Holmes Lake, that would be a service to the public as opposed to something different, larger scale.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGRMT. BETWEEN THE CITY, UNL BOARD OF REGENTS & THE LOWER PLATTE SOUTH NATURAL RESOURCES DIST. TO CREATE THE JOINT ANTELOPE VALLEY AUTHORITY TO COORDINATE, IMPLEMENT, & ADMINISTER THE VARIOUS PHASES OF THE PUBLIC PROJECT - Ann Harrell, Mayor's Office: I'm here to introduce the presentation today. It may take just a bit more than the 5 minutes

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normally allotted. Following me, there will be presentations from Joel Pedersen & from Roger Figard, then from the University & the Natural Resources Dist. but before I leave the podium, I just want to express the administrations strong support for the Joint Antelope Valley Authority (JAVA). Here's Joel.

Joel Pedersen, City Attorney's Office: I've passed out sort of the summary of the Antelope Valley Agrmt. that's before you today. There are three major partners involved: the City, the University & the Lower Platte South Natural Resources Dist. (LPSNRD). The project purposes I wanted to...the first thing that the agreement does is really talk about the project itself which is designed to prepare & implement community revitalization, stormwater improvements of the Amended Draft Single Plan. And that's a document that's been a long time in the making & you're familiar with. Roger will be up later to talk a little more about the particulars of that. JAVA, itself, is an acronym. It's the Joint Antelope Valley Authority. What it's designed to be is a joint entity to administer & coordinate multi-jurisdictional projects & these are projects (inaudible) then involve primarily the three partners but may also involve other state entities, railroads & other entities within the City. So, that's what JAVA is designed to do. Accountability was an important part of bringing JAVA to you. I wanted to list those so you could be reassured about the accountability of the structure of the interlocal agreement. The primary accountability is the unanimous vote that's required by the three partners. There is an administrative staff member appointed for each of the partners & a unanimous vote of all three is required for JAVA to take action. For the City, our Public Works Director is named as the project manager for JAVA. I'd also like to stress that JAVA is public. Although it is a separate administrative entity it is still public. It will be governed by all of the public meetings law & the public records & notice provisions. JAVA contains it's own financial plan & budget that's developed through the Amended Draft Single Plan process & the other planning & partnering that's gone on for that. Part of the proposal here today is also to include a citizen implementation committee. And the next item lists a reference to ex-officio members which will bring in some state entities, the railroads, as non-voting ex-officio members when necessary to complete JAVA's improvements. The last accountability measure is that what is comprehended for JAVA is really the implementation, the planning part of it, then the implementation & that they are not going to live forever. There's no ongoing maintenance. Although the proposal is to have a relatively long period of time because they are big projects, once they're done, the concept is that JAVA, when those components are finished, will assign those back to the proper parties. So if it's streets improvements, those will come back to the City. If it's stormwater & drainage district type improvements, those will go back to the LPSNRD. So, it's not designed to live forever. The financial plan & budget is the next part of things. The obligation there with the three main partners is that they will fairly fund & use best efforts to fairly fund JAVA. The JAVA board itself will meet & recommend annual funding to each of the partners' governing bodies. And then each partner will annually budget JAVA funds. The fourth item is an important part of JAVA. It is on the not to exceed approach. So, you've got the JAVA budget & then your recommendations. If the funding necessities go beyond that, they have to come back to the governing bodies. The other important thing to remember is that JAVA, on its own, cannot levy taxes & they are not permitted to bond the credit or revenues of any of the partners. So that annual budgeting process with the feedback between the partner governing bodies is an important part of that. So, that's the summary of the agreement. The last thing I wanted to go over with you was sort of where we're at with today's approval just as a reminder. The other partners have approved the preparation stage of Phase I & I wanted to remind you there's two parts. You've got preparation & implementation. The preparation stage really gets you through the phase where we get or where I'll talk about #4, the tough termination. But it is the implementation that really is the guts of the project. And that's Item 3 there. The implementation (inaudible) will require a separate vote of the

City Council. And that will be at some time in the future & Roger probably has a little more detail about when that is planned. But I wanted to mention that there's a second vote required before we're really going full-bore ahead with the Antelope Valley Proj. You will also see the Comp. Plan Environmental Impact Statement which will require your approval & there may be other approvals not necessarily of the City Council but other governmental agencies. The last thing that I did want to talk about is tough termination because the provisions if you read them on termination are fairly strong. Once we start down this project, particularly after implementation, it will be tough to terminate until we get down the road & get some of these improvements completed. We do have a sort of get out of jail free card up until the point of implementation. We can terminate if we decide between now & then that we're not able to fund the whole package of improvements but all the partners agreed that it was an important part of this that we, once started, wanted to remain committed throughout a relatively long period of time. And that was hard to do. There was some give & take in the discussion on how best to do that. But right now, the way it stands, after implementation & I'm getting a little ahead of myself, it does require a fairly long period, a notice period, for the other partners to react to one of the partners saying they want out. And we thought that was important. It's important for you to know that today going in. We're not there yet. Like I say, that decision really comes at the implementation stage but I wanted to clearly identify that for you. The last thing that I wanted to mention 'cause it's something that has come up is that the administrative costs are not detailed to a great degree in this agreement. The plan is to have JAVA help with that. That's one of the daunting tasks that they'll get to take on in their 3 member board. So, those administrative costs are real & each of the partners will have to bear a portion of that. And there may be times where we're saying it's too much or someone else is complaining that we haven't gotten that allocated fairly but that's part of what is comprehended for JAVA to take on is how to fairly assess these administrative costs. So, with that, I'd answer any questions that you might have on the agreement & then turn it over to Roger Figard to talk about the plan.

Roger Figard, Public Works & Utilities: Thank you, Joel. I think perhaps what I'd like to do is address some of the issues with JAVA today from the standpoint of why JAVA. What does JAVA do that the existing partners management & government structure to this point in time can't do or can't do as well? I think the executive summary is that what JAVA now does is it formally acknowledges the tremendous effort that the three partners have put together over the last 9 yrs. & it legitimatizes what the partners have brought to us to this point in time. And there are a number of issues, I think, & pieces & parts that I'll try to go over quickly. At this present time, over the last 9 yrs. &, formally, over the last 4, the management & structure of Antelope Valley has consisted of a management committee comprised of the University of Nebraska-Lincoln, the LPSNRD, & the City of Lincoln Staff. It also has consisted of an advisory committee that at least 65 citizens representing neighborhoods, non-profit groups, businesses, local, state & federal officials. And over the last 4 yrs., as it included a professional study team made up of at least 5 different consulting firms from all over the country as well as here locally. This present structure has worked very well for four years but now the study is potentially really to move into the next phase & we're near the end of that planning exercise. It's time now to make a move forward or to acknowledge what we've done & make a decision & decide we've done the study but that's all we further want to do. The two new activities really that I see that JAVA must take on are, number one, assist in formal government approvals to legitimatize this process & move ahead; and if so, then step two of that is the implementation of that process. Assisting in the government approvals really gets down to taking all the work that's been done over the last 9 yrs. & formally put together in a package called an Amended Draft Single Package plus a draft environmental impact statement & put that out for formal public review, input & decisions by a number of local, state, & federal governing bodies.

We would expect that government approval & that process could take place this summer or this fall. And then, number two, implementation. We would see JAVA being poised & ready to help with implementation should the respective governing bodies of the three partners choose to turn this study into a series of projects. There are really five areas that I'd like to touch base very briefly on why we think that it's important for JAVA to assist the partners in a more formal process in moving forward. Again, to get through these two steps that we talked about, those five areas include expenditure & Capital Improvement Budgeting, public process & public input, shared governmental powers & responsibilities, accountability & the open meeting law requirements, & the public commitment that we had started with this project. So, I'll take those very quickly one by one. Expenditure & capital improvement budgeting, to date, the City of Lincoln has funded the transportation community revitalization & stormwater portions of the study except that the partners have shared equally in the Army Corp. of Engineers stormwater study. However, I do not want to minimize the hundreds & hundreds of hours that Staff from the University of Nebraska & the LPSNRD have put into this study. The budgets that I speak to really are the formal payments to outside consultants for their work. The City has paid for that. There are staff people at the NRD that I think probably recognize some of us from the City & the University probably better than some of their own Staff. Glen & his organization has given us a house to live in for nearly 9 yrs. & I can't imagine the number of hours that the University Staff have put in to brining this study forward. Because the study has now measured & better allocated the potential benefits & effects of this possible study to the three partners, we believe that there's a more rational basis to formally cost share & figure out the final approval process in cost sharing for this possible project. In other words, JAVA permits & authorizes all three partners to really begin to better formalize & solidify annual operating budgets & capital improvements which share in the next steps of the cost better than we have to date. However, the City of Lincoln, through its Capital Improvement Program, regularly, on an annual basis, has showed potential funding for this proposed project. Number two, the public process & public input. A large part of this study process has included to date over a thousand meetings, presentations, property owners, open houses & town hall meetings. And while we think public involvement has to remain a very important part of the upcoming steps, the nature & the type of public process should this study be converted into a series of projects changes significantly. We will have a potential set of projects & the attention will shift away I think from general citizen visions & will more distinctly turn to concerns addressing the needs of abutting & affected property owners & helping the community deal with interruptions, detours, hassles during construction. The 65 member advisory committee has generally met monthly for two hours over a 4 yr. period. This huge commitment of their time, energy & thoughts has been greatly appreciated by the partners. We wouldn't be here today if it had not been for that advisory committee. But like all things, I think the government cannot continue to expect its citizens to continue such a large commitment over the next 6 to 10 yrs. We believe that a smaller citizens implementation committee advising JAVA on a less frequent basis would be a better public input process & still allow members of the advisory committee to feel that their ideas & their thoughts & their visions & concerns will be carried forward. Number three, the shared governmental powers & responsibility. To date, the only real governmental power that the government has carried out has been public participation, planning & design. If this study is approved into a series of projects, many governmental powers are going to be needed. They are, to name a few, public hearings & approval, procurement & bidding, property acquisition, condemnation, property owner relocations & assistance, utility relocation & construction. By entering into JAVA, the three partners have better assurance that these important governmental powers will be carried out in a coordinated & equitable manner so as to minimize the negative consequences to its citizens. By cooperating together, the three partners believe that we are maximizing public

benefits while minimizing individual costs. We believe that this sharing saves public money, minimize public confusion & governmental waste. We believe that this vehicle is the one to best carry out the scenario in an interlocal agreement approved by the three partners governing body. Number four, in the area of accountability & meeting the open meeting law requirements, while in our informal partnering arrangement, we've been responsive. The partners believe that a formal relationship on a potential of a set of series of projects of this magnitude, we need a mechanism like JAVA to help assure accountability to the different sets of public constituents & different sets of governing bodies. Citizens will know they can directly contact JAVA or any one of the three partners for answer & concerns. To this point in time, the only time that Antelope Valley has come in front of the City Council has been for comprehensive plan amendment hearings. If created, JAVA would be submitting the study to the three governing bodies for public hearings, project approvals, interlocal agreement amendments & annual budget approvals. Rather than three different administrative staffs asking three governing bodies for such approvals, it is felt one administrative staff can better advise & provide answers to the three governing bodies. To date, the management committee has been the coordinating Antelope Valley Study & has not been open to the open meetings law. By creating JAVA, the administrative board of JAVA would be subject to the open meetings law & we believe this ensures better accountability as the three partners go ahead. And, number five, public commitment, maybe first & foremost in public commitment, Antelope Valley has been a major government undertaking & yet while we have been nearly 9 yrs. in getting to this part, it's just starting should you choose to create...take this study into a series of projects. By creating JAVA the governing bodies are formally pledging their very best efforts to ensure the important next steps are carried out in a professional, economical, & equitable manner. We believe that that commitment to all those hundreds & thousands of meetings & hours spent ensure to the public that their vision might be brought forward. [break in tape] I'm sure that one of the first questions that will come up is does JAVA or Antelope Valley cause the City to now prioritize or delay other important city projects. I'm here today to reiterate & say again that should you, first of all, approve JAVA today, you've not committed the City to moving ahead on a project. We hope your committed & that our process has proven that this is an important project for the community & should move forward but you've not committed any money. To date, over the Capital Improvement Planning process, the City has earmarked funds in its program such that should you approve JAVA today & then in the future approve implementation, there isn't a single project in the current program that would be delayed or that we're taking funding away from it as its currently programmed. I'm not naive enough to suggest that if you don't approve JAVA that there aren't other projects that you could bring forward or spend some of this money for. But we're not delaying any current project by your approval & moving forward, we don't have to delay another project already in process to do that. And, again, would reiterate your approval today simply formalizes & gives real legitimate authority, I think, to a tremendous process that the University, the NRD & the City of Lincoln have done in bringing this process to this point. So, with that, I would ask that Chancellor Moeser would come for the University of Nebraska. We're all available for questions & answers.

James Moeser, Chancellor of the University of Nebraska-Lincoln: I've been here now since 1996 & it's been a pleasure to watch the partnership evolve between the City & the University & the NRD on this issue. I don't think I've ever seen a community where so many people, at so many levels, both the Staffs of our organizations but citizens of the community & people who really care about this community. Over a thousand meetings, lots of participation. I firmly believe that the future of the City of Lincoln & the future of the University of Nebraska-Lincoln are inextricably linked. And I've said that on other occasions. I think this is a very, very important project for the University. It's clearly a very important project for the City not only for its urban core but for the neighborhoods that surround this University & that form the core of this

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City. One of the things that I think really makes Lincoln a wonderful place to live is the fact that we still have a vibrant core, we still have a downtown that people want to go down to & these considerations are so terribly important from the University's perspective. This is both a flood control & a traffic way issue. The Antelope Valley Proj. takes 50 acres on the City campus out of the 100 yr. floodplain & allows us to build on land that is currently only usable as either parking lots or playing fields. Arguably, we could build one more & probably only one more facility in the existing floodplain without driving out those...by putting buildings up on berms as we did the Beadle Center but there's a limit to that. And we have the core of the campus just west of Beadle & east of 16th & 17th which is essentially not usable land in terms of construction. We have, obviously, major designs for especially research construction but also additional student housing in that part of the campus. And many of you've seen the master plan of the campus. So, the flood control issue is a very critical one for us. As is, the traffic way. The traffic way which would take through traffic around the campus rather than through the campus. And I hope that none of us have to live through the time when we have a serious injury or fatality because of the arterial traffic that now speeds through, at speeds higher than 25 miles an hour, I might say, through the center of campus. In addition, this project really helps create a natural boundary for us between the University & our neighbors to the east. I think it will make us a better neighbor to the surrounding neighborhoods & will help ensure their viability. And I will point out that community development is a third leg of this stool. That the community development issue, I think, is the very one for this Council & this City that to help maintain the viability of inner-City neighborhoods. I think that's a critical component of the kind of future that we want our City to have. So, from the standpoint of the University, I want to express my appreciation to the wonderful teamwork that's gone on at the Staff level & the spirit of cooperation that has really developed between the City & the University & the NRD on this project. We are extremely optimistic about our future because of it. And I hope that you will follow the lead of the Board of Regents & the governing board of the NRD in getting us into this next stage which really puts us on the road to, after 9 yrs. of study, of really saying we're committed to making this happen. Thank you very much.

Glen Johnson, General Manager, LPSNRD, 3125 Portia: The Board of Directors of the Natural Resources Dist. approved the JAVA Interlocal Agrmt. at their meeting in February. This preparation phase, this first phase of this agreement, really just continues to carry us through where we're at & what we've been doing today as three partners. What we've been doing for the last several years. To move into the next area, truly will require a very closely coordinated planning design right-of-way funding & construction. The three components are so closely inter-related & integrated with each other that even one parcel of property may be acquired & have purposes for all three of those. It may be partially acquired for transportation, partially for stormwater & partially for community revitalization. That requires a very close coordination & our boards feeling was that the administrative entity created by JAVA will certainly facilitate that & see it simply as another step in the partnership among these three entities. Thank you.

Jan Gauger, 1404 N. 40th St.: One of the tri-Chairs of the Antelope Valley Project. Keith Black, another of the tri-Chairs is in the audience as well. We just want to tell you very briefly that the Advisory Committee is very much in favor of the implementation process here with JAVA & we're very pleased that in the Interlocal Agrmt. that's been drafted that the citizen group will have a part in the future of the projects because we've invested a lot of our time & energy in this & want to follow the process & be involved & we do urge your approval.

David Hunter, 1023 Lincoln Mall: I think maybe the time has come to put some things on the table regarding this project, this JAVA or whatever you want to call it, Antelope Valley. All the things that I'm hearing & I think there's other developers & other people in this community that are not hearing anything discussing any time frame or anything regarding that.

Might want to bring to your attention that the City Engineers' track record with the Railroad Transportation Safety Dist. (RTSD) has been probably less than deplorable. I never in my life observed an administrative function bogged down as much as that one has through absolutely no reason other than buck passing back to the railroads which, from what I understand, is a totally inappropriate excuse. Some of these same people will continue to be involved in this project. And the one thing that we don't want to see is the same type of track record that we've seen with the RTSD which has been (inaudible) project as critical, if not more critical, than this project. There's nothing worse than to have a lot of feel good conversation up here & then turn around tomorrow & have no results. There're a lot of people in this Antelope Valley Dist. that are terribly stymied in furthering their business & further development because of the unknowns that are out there. And we, in the business, call that an inverse condemnation. And that's exactly what's going on. And this City Council, if you're going to be a part of this, you're going to prove this, you need to stay on top of this & you need to put these people on a timeline. I've seen the Lower Platte Resource Dist. move very rapidly on a lot of situations & correct a lot of problems in a very short period of time. But they're not the only people on this committee & on this board. There's nothing worse than three governmental agencies getting together in the same room to conclude anything. And that's exactly where we're headed. We've been at this 9 yrs. Don't make this another 9 yrs. We've got to see some firm lines. We've got to see some commitment. And we've got to see some results. And I would challenge the current Public Works Director to see to it that the people representing us on here are people that are going to be aggressive enough to get these results because as I said before, we have not had good track records with joint agreements like this before & the RTSD stands out like a sore thumb to support that. So, I would strongly encourage, as soon as possible, a time schedule. Make these people adhere to the time schedule because you're going to be spending money on this. You're going to be spending your money, my money & everyone else's money. And you've already spent a lot of money & we've already put a lot of people in serious development jeopardy. And there are a lot of people that want to develop in this area & there's a lot of people that want to make investments in this area but there are also a lot of people in this area that need to make decisions & they can't make decisions until decisions are made. Think about this & think about it real hard because I'm telling you this is a sure ticket to another 9 yrs. of nothing other than hypothetical situations. And a lot of it depends on the people that are on those committees & on those boards making decisions & making a move. There's more to this than just a job. And I would strongly encourage you to look at the track records of the Lower Platte, watch how they operate & see if you can't get your own department to operate just as efficiently. Thank you.

Ed Patterson, 2108 "Q" St.: I'm from Malone Neighborhood. I would not counsel an addict to quit cold turkey & neither do I see any point in asking the City Council in Lincoln, Nebraska to miss an opportunity to expand the operations of government within the City. Instead these remarks are presented to urge you to exercise vigilance over the super powers of the JAVA. You will be legitimizing here today. At its core is a huge, centrally planned government business conglomerate, the University of Nebraska. This business competes head-to-head in a host of ways with businesses in the private sector. It would be a fair competition but for a few notable exceptions peculiar to this business. It is tax-exempt. It's taxpayer subsidized. It can use tax dollars to fund public relations campaigns to get more taxpayer dollars & to defame its adversaries. It can use taxpayer dollars to utilize an employee revolving door politicians & lobbyists. It is exempt from zoning codes, quality of life ordinance, & many other codes in the surrounding neighborhoods where it acquires bits & pieces of property. It can selectively enhance or depress law enforcement in specific areas using its own private Police force. It has the power of condemnation but is not subject to this power itself. It has the power to circumvent the budget oversight of the legislature by controlling federal, state & local Public Works projects such as the one

you're having before you here today. It can use government powers to get the jump on patent & copyrights to technologies & business practices of local businesses. (Inaudible) can turn around & compete head-to-head with them in the same businesses. It was exempt from anti-trust legislation. It has no prohibitions against a host of anti-competitive practices in which it engages. It's tax exempt foundation can be run by & for the mutual benefit of UNL & private sector monopolies. More so than any other agency of government, it is able to expend multiple millions of dollars without competitive bidding or effective audit oversight. So, it will happen. It will come into existence, I'm sure but you & your successors on this Council, I believe, have your hands full in trying to keep track of what's going on. Thank you.

Richard Halvorsen, 6311 Inverness Rd.: And I guess I echo some of the...I would like...they say it's not going to be here forever so I would like to see you have a sunset provision. You can set something, 20 yrs., or whatever. If they're not done by then, you could vote to reauthorize it but I would like to see some sort of provision, you know, set where this agency will dissolve or be reauthorized. Another thing to, the withdrawal provisions, I would hate to see us be locked into a project which depends a large part on federal funds. And then have the federal funds not maybe be available & have the other two partners come back & say well, Lincoln, you're committed to this so, therefore, you have to pick up the slack. So, I would hope you look at those provisions closely.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc.: Member of the Task Force there that was studying this for a number of years. And I've watched it & I've studied it & there were 65 members on the Task Force, citizens from Lincoln, but almost two-thirds of the members on that task force had ties in some way to this project. So, it wasn't fully just 65 members of the citizen neighborhoods specifically looking at it. There were other mechanisms that were working so but somewhat suspect along the way that the citizens would ever have any real input to make any real changes. Some concessions were made but those were already decided before hand what the neighborhoods would probably be wanting & we'll give the neighborhoods those concessions so they think that they got something. So, I want you to...if you're going to be an oversight committee, to take a look at this. The University, I've watched for 31 yrs. being a resident down there, chew up our neighborhood in the name of progress. But very little has been returned. There're many people now in the pathway of this project that haven't really specifically been talked to. We've addressed those issues many, many times of asking where are the houses going to be placed for those that want to have their houses moved. None of that has been addressed but here we are wanting to push forward & we haven't finished some of our homework. So, I think it's time for the University & the other partners to go back to the drawing board & take a look at those people that their lives are going to be totally interrupted for a long period of time. Even the businesses down there are kind of in chaos of what they're going to be able to do 'cause once this project starts. So, I think we better take a look at it, go back to the drawing board, & speak to those people & sit down across the table & be willing to listen to those people because many of the people want to remain in that neighborhood. Many have already been forced out in past ventures. So, let's take the time & take a look at it. Thank you.

Coleen Seng, Council Chair: Would someone speak to the sunset clause? I kept reading 6 to 10 yrs.

Mr. Pedersen: Well, there is a duration provision. It's a maximum of 2 yrs. for preparation & then a maximum of 10 yrs. for the implementation phase or part, I should say. We have parts of phases.

Mr. Cook: I have a few questions. The issue regarding Federal funds commitment & the fact that we have this two year period...now, that's after we go forward with the implementation, let me just clarify this first. This is passing...voting on this today is for the preparation period?

Mr. Pedersen: That's correct.

Mr. Cook: And we could choose not to vote for the implementation period in which case it would be dead. We are not committing ourselves to

fund any project as a result of this vote today?

Mr. Pedersen: That's correct.

Mr. Cook: Okay. Once we vote on the implementation part though & we have a 2 yr. termination period, if we choose to get out of it we're stuck for 2 yrs. How about the question of federal funding &...if there's funding we don't control that we have committed to this & it doesn't come through because of some change at the Federal level, what are our responsibilities then?

Mr. Pedersen: Well, I'm not sure I understand your question.

Mr. Cook: I guess maybe its always once it's committed, it's a safe thing. We won't be budgeting any federal funds until they are fully committed. There's never any chance that...I guess the bigger question is will there ever be things beyond our control in a big way, budget wise, that will get us into trouble where we're committed for two years but the funding source we were counting on didn't come through, federal or other funding source?

Mr. Figard: First of all, JAVA cannot, in any way, shape or form, control or take away the City Council's ability to budget & make their own decisions on an annual basis. So, therefore, all of those funding & project issues reside with you as they normally do. Now, help me understand better...

Mr. Cook: Well, they sort of do...

Mr. Figard: The federal funding issue...

Mr. Cook: But because we are on the hook for two years, not just one, & we budget year by year that despite the fact that this can't control what we choose to budget, we still are responsible for carrying out certain tasks providing money for this project for two years after we decide to get out. Isn't that correct?

Mr. Figard: Provided the respective partners governing body provide those monies in each annual budget. You can't spend or approve...when you say "you", I think you're thinking you committing to JAVA having to finish that if you sign the agreement.

Mr. Cook: Yes.

Mr. Pedersen: I think there is a provision in the termination section that you're referring to where it provides that we don't get a vote if give our notice of termination then there's only two members & I think that potential is existing there & that's why in my initial presentation I talked about once we get to implementation, there's some tough termination provisions. I can't reassure you that that's not going to happen, that if the City would decide after we implement the project, after we agree we're going to go do this, there is a potential that for that 2 yr. period, we've got the 1 yr. budgeted funds but for that second year, I guess the situation you describe, we do lose some control there. And that's part of the termination provision.

Mr. Cook: And if we had an unexpected circumstance where we didn't have the funding we thought we would have in that second year, I guess it would really be up to our partners to either decide whether to let us off the hook or whether to go after us.

Mr. Pedersen: In part, yes, I think that's accurate.

Mr. Cook: A couple other questions. Someone asked me about the maps in back. We have maps that are attached to this document which essentially reflect the draft single package. But, we still have another approval of that coming up.

Mr. Figard: Absolutely.

Mr. Cook: And so, there was just a worry that this looks awfully finalized & is there any way that...I mean this is clearly just an idea of probably what JAVA will be dealing with but it is not a certainty that this will be the plan.

Mr. Figard: No, but it's a clear indication JAVA's responsibility in this first piece is to bring forward the Amended Draft Single Plan for public hearings, public review & public hearings on the Draft Environmental Impact Statement. That is the document in that. That is the map, that is the proposed project. And it is responsible to bring that one forward for public review. Through the public process, on that document & then any decisions you might make in recommending or not

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recommending that document back to Planning, or changes in the comprehensive plan, revisions certainly could be made. But that is an exact duplication of the Amended Draft Single Package as proposed today.

Mr. Cook: As proposed today but the advisory group could, through their vote, probably make some changes to this before it actually comes forward as Comp. Plan amendment & for public hearing. It could happen.

Mr. Figard: I suppose it's possible. I think at this point in time, the public hearing & the draft document that's been prepared is based on that plan. And that I guess I would be more inclined to think through the public hearing process on the draft document, through public testimony to you all, you all might be suggesting some changes based on what you hear through the next town hall & the public hearing.

Mr. Cook: I know there are some changes that've been proposed by a couple members of the advisory group & I think those changes are worthwhile to be looking at so I don't know how the advisory group will go with that. I don't know if they'll make any changes but I just want to make sure that that's still...it's an open issue still until such time as...

Mr. Figard: Until this body would amend the Comp. Plan to convert Antelope Valley from a study to a series of projects & then Council would approve that Comp. Plan amendment & projects, you wouldn't be moving forward.

Mr. Cook: And the last thing is citizens committee. Now, this was mentioned but on page 8, 4.03.3, it says the Administrative Board of JAVA shall, among other things, create a citizens committee to provide input & advice to JAVA, shall meet at least twice a year & have a maximum of 9 members. And I discussed this briefly with you earlier today that I guess I'd like to see us have a little more flexibility in that. I'm not sure that I think the JAVA Administrative Board ought to be appointing the citizens committee. Perhaps individuals from the three governmental entities ought to be making appointments to a citizens committee & that also perhaps that citizens committee ought to be bigger than just nine. I don't want to set some ceiling on it at this time. I think that there'll be different people who are interested in different subjects but this seems inadequate to me. So, where do we go as far as making any changes to that particular section of this document or in the future dealing with this?

Mr. Figard: If we make a change, I guess we'd have to go back to the other partners. What I might suggest a couple things, if you turn back to page 7, 4.02.4.8, Committees, the Administrative Board shall have the authority to create committees in its discretion with such power & authority as provided in the by-laws. So, I think the JAVA Administrative Board could choose to do something different if they would choose. I think what I would suggest is that as...if you all approve JAVA & we move on through this next preparation period, that we better evaluate the transition from the current advisory committee into what it's needs are for the next phase. If nine is not right, then we should choose to discuss it at that point in time. Our real goal was to try to reduce the time impact on the individuals serving from the community. And if you all have approved a project at that point in time, the primary role, I think, is making sure that it's implemented appropriately & properly, not formulating many new scenarios & new alternatives so that we might need fewer folks. But I think we could amend that as we got closer to project approval time if we get there, Jonathan, as a suggestion rather than amending this right now.

Mr. Cook: So, when you say closer to project approval time, at the time we vote on the implementation portion of JAVA, we could put in some more specific language about a citizens committee & if we want outside bodies, outside of the JAVA Administrative Board to make the choices as to who serves on that committee, that could still be done at that time. We just need to get it made up ahead of time so all three bodies can vote on the same document, is that correct?

Mr. Figard: And I think that would be a better time. I think you'd be better positioned to see what those needs should & ought to be in that committee structure at that time.

Mr. Cook: Okay. Thank you.

Cindy Johnson, Council Member: Why can't this wait till we have public hearing & put the authority at the same time we vote on the

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project? This looks really bad. It look like we're approving a project that we haven't had public hearing on because why would we need an authority for it. I just think it has a real poor appearance of the public having their testimony before we make this decision. Why can't this wait?

Mr. Pedersen: Well, I guess there's two reasons. The first is that we need the preparation time. And, in part, JAVA needs the preparation time. The formation of the board, the creation of by-laws & perhaps even the committees that Council member Cook is talking about. Those don't happen overnight. There needs to be coordination. There needs to be some administration for that to happen. I sense your question is saying well, why is there the two parts to the Phase I. And part of that, I think, is explained by the need to establish JAVA. The partners that have looked at this have come to the conclusion there has to be a meeting halfway point that at any given time, perhaps the governing body of the University or the governing body of the LPSNRD or the governing body of the City, for that matter, would want to take things home & kind of handle things their way. JAVA let's us come to the middle & meet each other in another entity. It is a different way, administratively, to handle going back to administrative questions to the governing bodies of each of the partners. It may not be the best solution but I'd like to give it a try & let you evaluate that at the implementation phase to see if we've done our job in getting the three partners together in that entity. But that's the plan.

Annette McRoy, Council Member: This is more for Roger. Outside of use of Federal funds, does the Federal government have to approve this project in any phase of JAVA because we have a letter from a citizen worried about the Federal government's approval of any appeals & so I guess I would like to address that. Is this any part of it being appealed right now with the Federal government?

Mr. Figard: Not sure I know what you mean by "appealed", not that I'm aware of. Congressman Bereuter was able to secure some demonstration money such that if Antelope Valley moved ahead, there would be some additional money could be used in the final design & construction of the bridge separation structure near 17th & Holdrege. There were some monies made available for some community revitalization activities but I'm not aware of any thing else going on or anything being in jeopardy or any commitments made that posture you all to half to decide to do something other than what you would want to in project approval, Annette.

Ms. McRoy: I wasn't referring to the Federal funds. I was referring more to, um, I, well, this summer, early on, I went to a couple of meetings in the neighborhood where they were appealing to the Federal government 'cause the process itself they said was flawed & there was a Federal mediator from Kansas City that came up & had met with some neighborhood people & so I was...hadn't heard anything since then so that concerns me if that's...

Mr. Figard: Okay.

Ms. McRoy: Involvement with the Federal government on that standpoint, not money, but from...that they...I know there were neighbors saying that we hadn't included them & they had some objections.

Mr. Figard: Okay. In my very close conversations with the Federal Hwy. Administration, which is the regulatory agency for following the Federal National Environmental Protection Act study process, I am not aware in any way, shape or form that we have a flawed process or we've not done the study that we need to do. They have the Draft Environmental Impact Statement & they have sent it out to the merge agencies. It's not available for public review yet. I'm sure there'll be some little pieces here & there that we have missed. The University staff, City Staff & the NRD staff has met with that individual from the (inaudible) Justice Dept. & I believe there may be some continued meetings going on. We have left that to his discretion after meeting & explaining the Antelope Valley Study process to date & believe that that is in his hands. But, to date, I don't believe any communication I've had from the Federal Hwy. Administration would jeopardize where we are.

This matter was taken under advisement.

APPOINTING MARY BECK & PAMELA CARMICHAEL TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR TERMS EXPIRING JAN. 1, 2001 & MARCH 1, 2003, RESPECTIVELY - CLERK: As indicated on the Agenda, we have a request that this resolution be withdrawn because we have, for next week, a corrected resolution in regard to this. So, therefore, I'd entertain a motion that we withdraw

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Item #7.

Ms. Johnson: So moved.

Mr. Cook: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

REAPPOINTING NEAL WESTPHAL TO THE EMERGENCY MEDICAL SERVICES COMMITTEE FOR A 3-YR. TERM EXPIRING MARCH 28, 2003 - Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc.: On this reappointment, I think that we do need some new blood on the EMS Committee. I think it hasn't lived up to what it was suppose to be. I've taken a look at & followed this committee for a very long time. Problems are brought to this committee & are not alleviated on a very good fashion. So, I think Neal's done a good job but I think it's time for him to move on & for them to bring forward somebody that's going to bring new blood into this so that we can get this EMS Committee revived & back up on its feet. Thank you.

This matter was taken under advisement.

REPEALING RESOLUTION A-66767, ADOPTED BY THE CITY COUNCIL ON MARCH 24, 1980, WHICH CREATED THE ENERGY COMMISSION - Ms. Seng: I'd like to say that I have some mixed emotions about this. I remember when we really needed this Energy Commission & we struggled to get this going. And I guess maybe we're at a different point in our society now but I want to thank...

Jeff Fortenberry, Council Member: If gas prices keep going up...

Ms. Seng: Well, we may be right back there in a few months. We may have to get this going again but thank you for being part of this for so long.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mark Hunzeker, 530 S. 13th St., Suite B, came forward to request that Item #38 remain on Pending until further notice.

Mr. Fortenberry: So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

Mr. Fortenberry moved to allow Mr. Scott to speak since his item is on the Agenda, Bill #97-66. Ms. Johnson seconded.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

Cindy Johnson inquired if Kathleen Sellman, the Planning Director, might wish to come forward & speak on this matter.

Kathleen Sellman, Planning Director, came forward stating that Ray Hill has met with Mr. Scott on a number of occasions & there is a change of zone, which may have been filed by the previous Planning Director, on the Council's Pending List addressing this property. The next step is for Mr. Scott to determine if he wishes to proceed with the item or if he would prefer to submit a new application.

Winfield Scott, 7401 Pioneers Blvd., came forward regarding his property at 70th & Pioneers; wants to sell this property but Planning & himself cannot agree on what it should be zoned; request is currently for R-5; thinks O-3 would be best, but Planning doesn't agree.

Ray Hill, Planning Dept., came forward to state that O-2 zoning doesn't require a use permit, has no minimum lot area requirements but it has a height limitation of 25' which is unacceptable to Mr. Scott; for O-3 zoning, you need a minimum of 2 acres, which Mr. Scott does not have, with a height limitation of 45 ft.

Mr. Cook suggested getting together with the adjacent property owner & obtaining enough of his property to fulfill the minimum 2 acre requirement for O-3 zoning.

Mr. Fortenberry requested Ray Hill research this option & see if

there are other cases of a variance on the height requirement in O-2 & what precedent there is for that.

This matter was taken under advisement.

Katherine Renk, 102 "G" St., came forward regarding the new san. sewer construction going on from "G" St. to the Salt Creek; the contractors, Pavers, took over her property with heavy equipment, dump trucks, etc.; damage was done to her land & her fencing; told the damage would be taken care of & it wasn't; has two vehicles with damage to the windshields caused by this; presented a copy of a letter she sent to J & B Construction & Cabinets & Pavers, Inc. which was placed on file in the Office of the City Clerk. Jon Camp, Council Member, asked Roger Figard to assist Ms. Renk.

This matter was taken under advisement.

Dennis Siems 1924 W. "Q" St., came forward regarding the Police & a David Duncan harassing his girlfriend; she has a protection order against this man who has harassed, blackmailed, raped, & assaulted her; he has tried to get a protection order against Duncan & it has been refused. Mr. Shoecraft stated the Council can't solve domestic-type disputes; they can only recommend to get an attorney, go to Internal Affairs or the Police Citizens Advisory Board; Council has forwarded their concerns on to the Chief of Police & received a response; those are the options. Mr. Siems stated they have contacted numerous attorney's & no one will take their case; they have gone to Internal Affairs on several things pertaining to this matter & they get no help. Ms. Johnson suggested Mr. Siems contact his legislator to get the protection order laws either changed or strengthened.

This matter was taken under advisement.

Jerre Bovett, 3705 Chapin Cir., came forward to request a moratorium on the 40th St. Widening Project.

This matter was taken under advisement.

Sheila Henry(?), 1924 W. "Q" St., came forward regarding hired a contractor in Aug. of '98 to build an addition to her home; paid him \$6,000 down & never seen him again; City Attorney, LPD & County Attorney don't want to touch it; finds it hard to believe this is a civil matter when it's \$6,000; contacted an attorney & she stated there were three other families this man had done this to; also complained of charges added to her Police record that never occurred.

This matter was taken under advisement.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3224 - AMENDING TITLE 27 OF THE LMC TO ADD A NEW SEC. 27.71.095 TO PERMIT LIGHT WELLS & EGRESS WINDOWS IN REQUIRED YARDS - PRIOR to reading:

COOK Moved to amend Bill 00-32 in the following manner: On page 1, after line 17, add a new sentence as follows: The requirements of (b) above may be waived by the City Council.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Title 27 of the LMC (the Zoning Code) to add a new section 27.71.095 relating to permit light wells & egress windows in required yards, the third time.

FORTENBERRY Moved to adopt the ordinance as amended.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17634**, is recorded in Ordinance Book 24, Page

AMENDING SECS. 2.76.150 & 2.76.160 OF THE LMC TO REMOVE THE REQUIREMENT THAT PAY INCREASES FOR EXCEPTIONAL SERVICE BE APPROVED BY THE MAYOR & TO PROVIDE THAT THE DIRECTOR OF PERSONNEL APPROVE SUCH PAY INCREASES WITH ANNUAL

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REPORTS SENT TO THE MAYOR - Clerk read an ordinance, introduced by Jon Camp, amending Secs. 2.76.150 & 2.76.160 of the LMC to remove the requirement that pay increases for exceptional service be approved by the Mayor & to provide that the Director of Personnel annually send written reports to the Mayor listing employees approved for exceptional service pay increase; & repealing Secs. 2.76.150 & 2.76.160 of the LMC as hitherto existing, the third time.

CAMP Moved to adopt the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17635**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 3 OF ORD. 17394 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "C" BY CREATING THE JOB CLASSIFICATION OF "ENVIRONMENTAL LABORATORY SPECIALIST II"; CHANGING THE JOB CLASSIFICATION TITLE OF "ENVIRONMENTAL TECHNICIAN SUPERVISOR" TO "ENVIRONMENTAL SPECIALIST III"; CHANGING THE JOB CLASSIFICATION TITLE OF "UTILITY PLANT EQUIPMENT SUPERVISOR" TO "FACILITY MAINTENANCE SUPERVISOR"; & CHANGING THE CLASS CODE & TITLE OF "5318 - ENVIRONMENTAL LABORATORY TECHNICIAN" TO "5290 - ENVIRONMENTAL LABORATORY SPECIALIST I" - Clerk read an ordinance, introduced by Jon Camp, amending Sec. 3 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classification of "Environmental Laboratory Specialist II"; changing the job classification title of "Environmental Technician Supervisor" to "Environmental Specialist III"; changing the job classification title of "Utility Plant Equipment Supervisor" to "Facility Maintenance Supervisor"; & changing the class code & title of "5318 - Environmental Laboratory Technician" to "5290 - Environmental Laboratory Specialist I", the third time.

CAMP Moved to adopt the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17636**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 5 OF ORD. 17394 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" BY CREATING THE JOB CLASSIFICATIONS OF "MAINTENANCE OPERATOR" & MAINTENANCE OPERATOR II"; CHANGING THE JOB CLASSIFICATION TITLE OF "ENVIRONMENTAL TECHNICIAN I" TO "ENVIRONMENTAL SPECIALIST I"; & CHANGING THE JOB CLASSIFICATION TITLE OF "ENVIRONMENTAL TECHNICIAN II" TO "ENVIRONMENTAL SPECIALIST II" - Clerk read an ordinance, introduced by Jon Camp, amending Sec. 5 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Maintenance Operator I" & "Maintenance Operator II"; changing the job classification title of "Environmental Technician I" to "Environmental Specialist I"; & changing the job classification title of "Environmental Technician II" to "Environmental Specialist II", the third time.

CAMP Moved to adopt the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17637**, is recorded in Ordinance Book 24, Page

AUTHORIZING THE ISSUANCE OF SMALL TAX ALLOCATION BONDS IN MULTIPLE SERIES - Clerk read an ordinance, introduced by Jon Camp, authorizing the Finance Director or the City Auditor to cause to be issued, from time to time, City of Lincoln, Nebraska, Small Issue Tax Allocation Bonds ("Bonds") in multiple series for the purpose of paying the costs of constructing, reconstructing, improving, extending, equipping or furnishing improvements within one or more of the City's present & future Community Development Law Improvement Projects & the acquisition of parcels of real estate and/or interests in real estate in connection therewith (Each a "Project"); generally describing the form & certain of the details of the bonds; pledging certain tax allocation revenues to the payment of the

principal of & interest on the bonds as the same become due & to carry out all other covenants of this ordinance; limiting payment of the bonds to said tax allocation revenues; authorizing the creation & establishment of funds & accounts; authorizing the purchase of such bonds from Idle or other available City General Fund Balances; delegating, authorizing & directing the Finance Director or City Auditor to exercise his or her own independent discretion & judgment in determining when & under what specific circumstances to implement the provisions of this ordinance & in determining & finalizing the terms & provisions with respect to the bonds not specified herein; providing for the application of the proceeds of the bonds; providing for the payment of the principal of & interest on the bonds; taking other action & making other covenants & agreements in connection with the foregoing, the third time.

CAMP Moved to adopt the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17638**, is recorded in Ordinance Book 24, Page

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY IN H ST. FROM THE EAST LINE OF 5TH ST. TO THE WEST LINE OF 6TH ST. SUBMITTED BY TMCO INVESTMENTS - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY IN H ST. FROM S. 6TH ST. WEST TO R.R. & VACATED H ST. SUBMITTED BY BUSINESS PROPERTIES LTD. - CLERK presented said petition which was referred to the Law Dept.

UNL MICROBIOLOGIST REPORT OF WATER TESTED FOR THE MONTH OF FEBRUARY, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(35-01)**

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON FEB. 28, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80074 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 03/03/00)

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF JAN., 2000: IBM GLOBAL SERVICES, BROADWING TELECOMMS., GLOBAL CROSSING TELECOMMS., MCI TELECOMMS., LCI INTERNATIONAL, CALLS FOR LESS, TRANS NATIONAL COMMS., & EXCEL TELECOMMS - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF FEB., 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(8-71)**

ACCEPTING THE REPORT OF NEW & PENDING TORT CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEB. 16 THRU 29, 2000 - CLERK read the following resolution, introduced by Jeff

Fortenberry, who moved its adoption:

A-80068 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated March 1, 2000, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED</u>
Nanci Cieslak	\$ 86.95	Coleen Warner \$168.42
Kevin Eggert	150.00	
Dianna L. Swinscoe	80.00	
Geraldine Henderson	45.00	
Sid Madlock & Anita Webb, parents of Alexandria & Antonio Madlock	30,000.00	
Greg Carlson	456.94	

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APP. OF DEMETRIOS & KIMBE MEARES DBA YIA YIA'S PIZZA CLUB 1427 TO DELETE AN AREA APPROX. 25' BY 150' TO THE WEST FROM ITS PRESENTLY LICENSED PREMISES AT 1423-27 "O" ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80066 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act including Neb. Rev. Stat. § 53-132, the pertinent City ordinances, and Resolution No. A-66729, the City Council recommends that the application of Demetrios and Kimbe Meares dba "Yia Yia's Pizza Club 1427" to delete an area measuring approximately 25' by 150' to the west from their presently licensed premises located at 1423-27 "O" Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING REVISIONS TO THE N. 27TH ST. REDEVELOPMENT PLAN TO SPECIFY PROJECT ELEMENTS, INCLUDING PAVING THE ALLEY, ACCESS, UTILITY RELOCATION, LAND-SCAPING, PAVING, PLATTING, & CLOSURE OF AN ALLEY, FOR AN AREA ON THE WEST SIDE OF N. 27TH ST. BETWEEN "S" & "T" STS. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80067 WHEREAS, the City Council on March 16, 1998 adopted Resolution No. A-78640 adopting the North 27th Street Redevelopment Plan as an amendment to the Northeast Radial Reuse Area Redevelopment Plan; and

WHEREAS, the Director of Urban Development has filed with the City Clerk amendments to the North 27th Street Redevelopment Plan to add provisions within said Plan to specify specific project elements for an area on the west side of North 27th Street between "S" Street and "T" Street. Said plan amendments are attached hereto, marked as Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on January 28, 2000 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of

each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on February 9, 2000 before the Lincoln City - Lancaster County Planning Commission regarding the amendments to the North 27th Street Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed amendments to the North 27th Street Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on February 9, 2000 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on March 3, 2000 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on March 13, 2000 regarding the proposed amendments to the North 27th Street Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on February 25, 2000 and March 3, 2000 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on March 13, 2000 regarding the proposed amendments to the North 27th Street Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on March 13, 2000 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed amendments to the North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed amendments.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the North 27th Street Redevelopment Plan as modified by the proposed amendments is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the North 27th Street Redevelopment Plan as modified by the proposed amendments is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendments to the North 27th Street Redevelopment Plan attached hereto as Attachment "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or her authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said amendments to the North 27th Street Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to

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the findings, approvals, and authorizations set forth in Resolution No. A-68614, Resolution No. A-69540, Resolution No. A-72716, Resolution No. A-77342, Resolution No. A-78640 and Resolution No. A-78927.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING AN INTERLOCAL AGRMT. BETWEEN THE CITY, UNL BOARD OF REGENTS & THE LOWER PLATTE SOUTH NATURAL RESOURCES DIST. TO CREATE THE JOINT ANTELOPE VALLEY AUTHORITY TO COORDINATE, IMPLEMENT, & ADMINISTER THE VARIOUS PHASES OF THE PUBLIC PROJECT - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80069 WHEREAS, the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska-Lincoln (University), the City of Lincoln, Nebraska, a municipal corporation (City), and the Lower Platte South Natural Resources District, a political subdivision of the State of Nebraska (NRD), all of which are public agencies within the meaning of Neb. Rev. Stat. § 13-803 (Reissue 1997) agree that it is in their mutual best interest to coordinate planning and implementation of a public project which is described in the Antelope Valley Study and the United States Army Corps of Engineer Antelope Creek Feasibility Study (Project), in cooperation with one another through an Interlocal Agreement creating a joint administrative entity known as the Joint Antelope Valley Authority, to act on behalf of the parties for the purposes, and upon the terms and conditions set forth in the Interlocal Agreement;

WHEREAS, Article 15, Section 18 of the Nebraska Constitution and the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Reissue 1997) permit subdivisions and governments in the State of Nebraska to cooperate with one another for the purpose of jointly exercising governmental authority and responsibilities;

WHEREAS, Article 2, Section 5 of the City's Charter grants to the City the power to join with other subdivisions, agencies, or public corporations, whether federal, state, or local, or with any number or combination thereof, by contract or otherwise, as may be permitted by the laws of the State of Nebraska, in the joint ownership, operation, or performance of any property, facility, power, or function, or in agreements containing provisions that one or more thereof operate or perform for the other or others and to appropriate and spend money for such purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: Johnson, Shoecraft.

APPOINTING MARY BECK & PAMELA CARMICHAEL TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR TERMS EXPIRING JAN. 1, 2001 & MARCH 1, 2003, RESPECTIVELY - PRIOR to reading:

JOHNSON Moved to withdraw Bill 00R-74.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The resolution, having been **WITHDRAWN**, was assigned the File #38-4329 & was placed on file in the Office of the City Clerk.

REAPPOINTING NEAL WESTPHAL TO THE EMERGENCY MEDICAL SERVICES COMMITTEE FOR A 3-YR. TERM EXPIRING MARCH 28, 2003 - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80070 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Neal Westphal to the Emergency Medical Services Committee for a three-year term expiring March 28, 2003 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPEALING RESOLUTION A-66767, ADOPTED BY THE CITY COUNCIL ON MARCH 24, 1980, WHICH CREATED THE ENERGY COMMISSION - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80071 A RESOLUTION to repeal Resolution No. A-66767 adopted by the City Council on March 24, 1980, which created the Energy Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Resolution No. A-66767 is hereby repealed and of no further force and effect.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MARCH, 27, 2000 AT 6:30 P.M. ON THE MAN. APP. OF HOMER RILEY FOR POINT AFTER, INC. DBA POINT AFTER AT 1011 W. DAWES AVE. - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80072 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 13, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Homer Riley for Point After, Inc. dba Point After at 1011 W. Dawes Ave.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MARCH, 27, 2000 AT 6:30 P.M. ON THE APP. OF LEE'S, INC. DBA LEE'S RESTAURANT FOR A RETAIL CLASS C LIQUOR LICENSE AT 1940 W. VAN DORN - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80073 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 13, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Lee's, Inc. dba Lee's Restaurant for a Retail Class C Liquor License at 1940 W. Van Dorn.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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RESOLUTION A-80040 - APPROVING APPROPRIATIONS IN THE AMT. OF \$5,000 FROM THE OPERATION OF KENO LOTTERY TO NEBRASKA AIDS PROJ. - LINCOLN. (RECONSIDERED ON 3/6/00, OTHER APPROPRIATIONS ADOPTED ON 2/28/00):

CAMP Moved to approve the appropriation to the Nebraska AIDS Proj. in the amt. of \$5,000.

Seconded by Johnson & **LOST** by the following vote: AYES: Cook, McRoy, Seng; NAYS:: Camp, Fortenberry, Johnson, Shoecraft.

ORDINANCES - 1ST & 2ND READING

ACCEPTING & APPROVING A LEASE AGRMT. BETWEEN THE CITY & B & J PARTNERSHIP, LTD. FOR SPACE AT 2606 PARK BLVD. FOR A 5 YR. TERM EXPIRING JAN. 31, 2005 FOR USE BY THE LINCOLN FIRE DEPT. FOR THE FEMA URBAN SEARCH & RESCUE TASK FORCE PROGRAM - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving a Lease Agrmt. between B & J Partnership, Ltd. and the City of Lincoln for a lease of space at 2606 Park Blvd., Lincoln, Lancaster County, Nebraska for a term commencing Feb. 1, 2000 & continuing until Jan. 31, 2005 for use by the Lincoln Fire Dept. for the FEMA Urban Search & Rescue Task Force Program, the first time.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY, VILLAGE DEVELOPMENT, & DOT, INC. FOR THE DEVELOPMENT OF THE 27TH & VINE ST. AREA - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving the 27th & Vine Streets Redevelopment Agrmt. ("Redevelopment Agrmt.") between the City of Lincoln & Village Development - Vine Street, LLC, & DOT, Inc. (Redeveloper), the first time.

VACATING THE SOUTHERN 6 INCHES OF "Q" ST. BETWEEN 11TH & 12TH ST. ADJACENT TO THE PREVIOUSLY VACATED AREA IN LOT 1, QUE PLACE ADD. - CLERK read an ordinance, introduced by Jeff Fortenberry, vacating portions of the southern 5'6" of "Q" St. generally between 11th St. & 12th St., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING THE TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$6,600,000 WITHIN THE WASTEWATER CONSTRUCTION FUND FROM CAPITAL IMPROVEMENT PROJECTS THERESA STREET PLANT TREATMENT EXPANSION & NORTHEAST TREATMENT PLANT EXPANSION TO SALT VALLEY RELIEF SEWER IMPROVEMENTS TO COMPLETE THE SALT VALLEY RELIEF SEWER IMPROVEMENTS PROJECT AS ONE TOTAL PROJECT - PRIOR to reading:

CAMP Moved to accept a Substitute Ordinance.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jerry Shoecraft, approving the transfer of appropriations between certain capital improvement projects within the Wastewater Construction Fund, the second time.

AMENDING CHAPTER 12.08 OF THE LMC TO PROVIDE THAT THE DIRECTOR OF PARKS & RECREATION MAY AUTHORIZE A TEMPORARY EXTENSION OF PARK HOURS; ALLOWING THE OPERATION OF VEHICLES DURING PUBLIC GATHERINGS IN PARKS; TO PROVIDE THAT THE DIRECTOR OF PARKS & RECREATION MAY AUTHORIZE COMMERCIAL ACTIVITY WITHIN A PARK; TO GRANT A LICENSE FOR THE USE OF PINWOOD BOWL OR ANY ATHLETIC FIELD, SWIMMING POOL OR SIMILAR RECREATIONAL FACILITY; AMENDING THE INSURANCE AMOUNT REQUIREMENTS FOR SUCH LICENSES; & TO PROVIDE THAT THE DIRECTOR OF PARKS & RECREATION MAY GRANT CONCESSIONS UPON PARK PROPERTY - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 12.08 of the LMC relating to Parks General Rules & Regulations by amending Sec. 12.08.070 to provide that the Director of Parks & Recreation rather than the Mayor may authorize a temporary extension of the hours during which a park shall be open to the public; repealing Sec. 12.08.150 which prohibits the operation of vehicles during public gatherings in parks; amending Sec. 12.08.230 to provide that the Director of Parks & Recreation, in addition to the Mayor & City Council, may authorize commercial activity within any park or on the roadways therein; amending Sec. 12.08.310 to provide that the Director of Parks & Recreation rather than the Mayor may grant a license for the use of Pinewood Bowl, or any

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athletic field, municipal swimming pool, or similar recreational facility, & increasing City liability coverage to \$1,000,000; amending Sec. 12.08.320 to provide that the Director of Parks & Recreation rather than the Mayor is authorized to grant concessions upon park property; & repealing Sections 12.08.070, 12.08.230, 12.08.310 & 12.08.320 of the LMC as hitherto existing, the second time.

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MISCELLANEOUS BUSINESS

PENDING LIST -

SPECIAL PERMIT 1423C - APP. OF DRU, GUY, & DAVID LAMMLE TO AMEND THE HIMARK ESTATES C.U.P. TO ADD LAND, INCREASE THE ASSIGNED NUMBER OF DWELLING UNITS FROM 240 TO 300 MULTI-FAMILY DWELLING UNITS, & TO APPROVE THE SITE PLAN FOR THE MULTIPLE FAMILY AREA, ON PROPERTY GENERALLY LOCATED AT THE NORTH-EAST CORNER OF S. 84TH ST. & OLD CHENEY RD.:

FORTENBERRY Moved that Bill 00R-64 remain on Pending until further notice.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to extend the Pending List for 1 week.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on March 20, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

3:58 P.M.

CAMP Moved to adjourn the City Council Meeting of March 13, 2000.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Paul A. Malzer, Jr., City Clerk

Teresa J. Meier-Brock, Office Assistant III